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**DIGEST OF RECENT VIRGINIA DECISIONS.**

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**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

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**RICHMOND STANDARD STEEL SPIKE & IRON CO. v. DININNY.**

June 14, 1906.

[53 S. E. 961.]

**Corporations—Foreign Corporations—Failure to Comply with Statutes—Liabilities of Officers.**—Code 1887, § 1105 [Va. Code 1904, p. 522], making the officers, agents, and employees of foreign corporations which have not complied with the statute liable to residents of the state having claims against the corporation, and providing that service on either of such officers, etc., shall be service on the corporation, has no application to an officer residing without the state and against whom an action was instituted by attaching his property in the state.

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**NORTHROP et al. v. CITY OF RICHMOND.**

June 14, 1906

[53 S. E. 962.]

**Street Railroads—Regulations—Ordinances—Construction.**—A municipal ordinance requiring a street railway company to sell "tickets \* \* \* to pupils presenting a certificate of enrollment in some school at the rate of two for five cents," to be used between specified hours from Monday to Friday, inclusive, adopted after the city had rejected the provision in the franchise proposed by the company requiring the sale for the accommodation of children going to and from school tickets at half rates to be used between specified hours, when construed in connection with the practice, adopted by the company and continued for several years, of selling tickets at the rate of two for five cents to the students of a business college, must be construed as requiring the company to sell tickets at such rates to the students of such college.

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**NORTHROP et al. v. CITY OF RICHMOND.**

June 14, 1906.

[53 S. E. 963.]

**Street Railroads—Regulations—Ordinances—Validity.**—Where a street railway company sold tickets at a price fixed by an ordinance

requiring the company to sell tickets to pupils in the schools of the city at the rate of two for five cents and to students enrolled in a college in the city, it could not deny the same privilege to students of another college.

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HOBSON'S ADM'R *v.* HOBSON'S ADM'R. et al.

June 14, 1906.

[53 S. E. 964.]

**1. Appeal—Decrees Appealable—Assignment of Dower.**—A decree confirming the assignment to decedent's widow of one-third of a tract of land sought to be subjected to deceased's debts, and decreeing that the widow take title "with metes and bounds set forth in a plat filed with the report of commissioners, including buildings thereon, as her dower," was reviewable on appeal under Code 1904, § 3454, providing that a person who thinks himself aggrieved by any decree concerning title to or boundaries of land, etc., or by which the possession or title to property is changed, etc., may present a petition for an appeal.

[Ed. Note.—For cases in point, see vol. 2. Cent. Dig. Appeal and Error, §§ 118-125.]

**2. Equity—Pleading—Amendment of Bill—New Case.**—An original bill was filed to enforce payment of judgments for which decedents, father and son, were jointly liable, rendered for debts contracted prior to May 28, 1906, and to subject certain real estate owned by each thereto. It then transpired that the only real estate owned by either was a certain tract in controversy which was conveyed by the father to the son on May 28, 1896; the deed being recorded the following September. Complainant had no knowledge of such conveyance until long after the filing of his bill, when he was advised that the deed was voluntary and fraudulent as to creditors. Held, that an amended bill and a bill of revivor, seeking to set aside such conveyance for fraud, was not demurrable as alleging a cause of action not germane to the original bill.

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MAYO, HYSORE & CO. *v.* PHILADELPHIA TEXTILE  
MACHINERY CO.

June 14, 1906.

[53 S. E. 967.]

**Contracts—Construction—Duration.**—A contract providing that it should continue for 18 months from date "and thereafter until 6 months shall have elapsed after written notice" of cancellation given by either party, was not an absolute contract for 2 years, but was terminable at the expiration of the 18 months by proper notice within a year from date.